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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,780	02/09/2004	Gregory D. Aviza	00216-674001 / Case 8144	8854
26161	7590	11/25/2005		
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER PETERSON, KENNETH E	
			ART UNIT 3724	PAPER NUMBER
DATE MAILED: 11/25/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/774,780	<b>Applicant(s)</b> AVIZA, GREGORY D.	
	<b>Examiner</b> Kenneth E. Peterson	<b>Art Unit</b> 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 6, 7, 13, 14, 16-21 and 24-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-12, 15, 22, 23, 28 and 29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

1. The amendment filed 04 October 05 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

1) the razor recess having "at least two opposed continuous planar walls". None of the drawings show *both* inner walls.

2) the "first and second plastic blocks define continuous planar outer surfaces".

The drawings show slots in these surfaces.

Applicant is required to cancel the new matter in the reply to this Office Action.

2. Claims 1-5,8-12,15,22,23,28 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

All of the independent claims, namely 1,22 and 29 recite that the 1<sup>st</sup> and 2<sup>nd</sup> plastic blocks define "continuous" planar outer walls. However, looking at Applicant's drawings, one can see that the outer walls have at least two slots in them, and thus it is not clear what weight to give the term "continuous".

Claims 22 and 29 recite that the razor recess has "continuous planar walls". Since this was not originally disclosed and since it is not clearly shown in the drawings, it is not clear what weight to give it.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3,8,10,15,22,23,28 and 29 rejected under 35 U.S.C. 102(b) as being anticipated by Francis '321, who shows a razor subassembly with all of the recited limitations including 2 plastic blocks (19) and 2 metal blades (14) imbedded in slots having locking structure (12). This subassembly (figure 1) fits into a recess in a razor (figure 11).

Francis's razor recess has a pair of inner walls that are, for a limited distance, "continuous".

Francis's plastic blocks "define continuous planar outer surfaces" to the same extent that Applicant's do.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5,8-12,15,22,23,28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Francis, who shows a razor, as set forth above, with most of the recited limitations.

Francis' razor has only two blades. Examiner takes Official Notice that it is old and well known for razors of this type to have up to five blades. Applicant has not challenged this point and it is now taken to be fact. An example of this is the patent publication to Coffin et al.'835 (line 1, page 2). It would have been obvious to one of ordinary skill in the art to have modified Francis by employing up to five blades, instead of just two, as is well known and taught by Coffin, in order to provide a smoother shave.

Francis' slots have projections (12) and engagement holes, but the projections are on the blades and the holes are in the slots, rather than vice-versa. However, the courts have long held that a mere reversal of parts is not inventive. See In re Gazda, 219 F.2d 449, 104 USPQ 400. It would have been obvious to one of ordinary skill in the art to have projection in the slot and the hole in the blade, since the operation of the device would not thereby be modified. The blade end would thus have a thickness greater than the slot width minus the height of projection.

7. Applicant's arguments filed 04 October 05 have been fully considered but they are not persuasive.

Applicant argues that Francis has protrusions (e.g. 13) that protrude from the plastic blocks. Firstly it is noted that Applicant's own blocks are not "continuous" as set forth above. Secondly, to use Applicant's own claim language, Francis's plastic blocks do not "define" the protrusions 13, which are parts of the blades, not part of the plastic block 19.

Art Unit: 3724

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

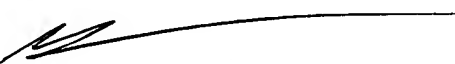
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Peterson whose telephone number is 571-272-4512. The examiner can normally be reached Mon-Thurs, 7:30AM-5PM

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KP

November 21, 2005



KENNETH E. PETERSON  
PRIMARY EXAMINER